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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 11 January 2006 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

The New Zealand Permanent Mission to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to provide an updated response on New Zealand's implementation of Security Council resolution 1540 (2004), as requested by the 1540 Committee (see annex).

06-20815 (E) 020206

Annex to the note verbale dated 11 January 2006 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **New Zealand**

Date of Report: 28 October 2004

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	Yes	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD			New Zealand has ratified all of the major multilateral treaties undertaking not to possess WMD.
2	General statement on commitment to disarmament and non-proliferation	X	New Zealand statements to the UN First Committee	www.nzmissionny.org
3	General statement on non-provision of WMD and related materials to non-State actors	X	New Zealand provides no support whatsoever to any entity - whether State or non-State actor - attempting to develop, acquire, manufacture, possess, transport or use WMD and their means of delivery	page 2 of the report
4	Biological Weapons Convention (BWC)	X	Signed 10 April 1972 and ratified 13 December 1972	pages 7 and 8 of the report
5	Chemical Weapons Convention (CWC)	X	Signed 14 January 1993, deposit 17 July 1996, entry in to force 29 April 1997	pages 7 and 8 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Signed 1 July 1968 and ratified 17 July 1969	pages 7 and 8 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Signed 28 September 1996 and ratified 19 March 1999	page 8 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 19 December 2002 and In force 18 January 2004	http://www.iaea.org/Publications/Documents/Conventions/cppn_status.pdf

9	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	http //www minbuza nl/default asp?CMS_ITEM=858DD6DAE6BE4DF2ABABD1FE0A25AB3CX3X45455X99
10	Geneva Protocol of 1925	X	Deposit 24 May 1930	http //disarmament un org 8080/TreatyStatus nsf
11	International Atomic Energy Agency (IAEA)	X	New Zealand is a member of the IAEA	page 7 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)	X	South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) Signed on 6 August 1985 and ratified on 11 December 1986	http //disarmament un org 8080/TreatyStatus nsf
13	Other Conventions/Treaties			
14	Other Arrangements	X	1 Missile Technology Control Regime (MTCR) 2 Nuclear Suppliers Group (NSG) 3 Wassenaar Arrangement (WA) 4 Australia Group (AG)	see web sites of MTCR, NSG, WA, AG
15	Other			

OP 2 - Biological Weapons (BW)

State: **New Zealand**

Date of Report: 28 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealan 1 Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3 and 4 of the report
2 acquire	X		X		
3 possess	X		X		
4 stockpile/store	X		X		
5 develop	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (section 8 makes it an offence to have control over any biological weapon) 2. Crimes Act 1961 (section 66(1)(b) prohibits the aiding of any person to commit any offence)	X	1. Crimes Act 1961 2. Customs and Excise Act 1996 (section 56) 3. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 3 of the report
6 transport					
7 transfer	X	Customs and Excise Act 1996 (section 56)	X		
8 use	X	1. Crimes Act 1961 2. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X		

9	participate as an accomplice in a m. activities	X	1. Crimes Act 1961 (covers offences of aiding and abetting) 2. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3 and 4 of the report
10	assist in a m. activities	X		X		
11	finance a m. activities	X	1. Crimes Act 1961 (section 66) 2. Terrorism Suppression Act 2002	X	Crimes Act 1961 and Terrorism Suppression Act	page 5 of the report
12	a m. activities related to means of delivery	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3 and 4 of the report
13	involvement of non-State actors in a m. activities	X		X		
14	Other					

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OP 2 - Chemical Weapons (CW)

State: **New Zealand**

Date of Report: **28 October 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	Chemical Weapons (Prohibition) Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961	pages 3 and 4 of the report
2	acquire	X		X		
3	possess	X	Chemical Weapons (Prohibition) Act 1996 (section 6 "retains")	X	Crimes Act 1961	page 3 of the report
4	stockpile/store	X	Chemical Weapons (Prohibition) Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2. New Zealand Crimes Act 1961 attempt to carry out the prohibited activities	pages 3 and 4 of the report
5	develop	X		X		
6	transport					
7	transfer	X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961 (covers offences of aiding and abetting)	X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961	pages 3 and 4 of the report
8	use	X		X		
9	participate as an accomplice in a.m. activities	X		X		
10	assist in a.m. activities	X		X		
11	finance a.m. activities	X	1. Crimes Act 1961 2. Terrorism Suppression Act 2002	X	1. Crimes Act 1961 2. Terrorism Suppression Act 2002	page 5 of the report

12	a.m. activities related to means of delivery	X	Chemical Weapons (Prohibition) Act 1996	X	Chemical Weapons (Prohibition) Act 1996	page 3 of the report
13	involvement of non-State actors in a.m. activities	X		X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961	
14	Other	X	Chemical Weapons (Prohibition) Act 1996: extraterritorial applicability			page 3 of the report

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* OP 2 - Nuclear Weapons (NW)

State: **New Zealand**

Date of Report: **28 October 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3 and 4 of the report
2 acquire	X		X		
3 possess	X		X		
4 stockpile/store	X		X		
5 develop	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987(section 5 prohibits a person from aiding and abetting any person to manufacture, acquire, possess or have control over any nuclear explosive device)	X	1. Crimes Act 1961 2 New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 3 of the report
6 transport	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3 and 4 of the report
7 transfer	X	1. Customs and Excise Act 1996 2. Customs Export Prohibition Order	X	Crimes Act 1961	page 3 of the report

8	use	X	1. Crimes Act 1961 2. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (section 5 - any control over nuclear explosive devices prohibited)	X	Crimes Act 1961	page 3 of the report
9	participate as an accomplice in a.m. activities	X		X	Crimes Act 1961	page 3 of the report
10	assist in a.m. activities	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3 and 4 of the report
11	finance a.m. activities	X	1. Crimes Act 1961 2. Terrorism Suppression Act 2002 3.New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. Crimes Act 1961 2. Terrorism Suppression Act 2002 3 New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 5 of the report
12	a.m. activities related to means of delivery	X	Crimes Act 1961	X	Crimes Act 1961	page 3 of the report
13	involvement of non-State actors in a.m. activities	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Terrorism Suppression Act 2002	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	pages 3, 4 and 5 of the report
14	Other	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987: extraterritorial applicability for actions of New Zealand citizens			pages 2 of the report

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OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **New Zealand**

Date of Report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	In accordance with the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 no person may manufacture, station, acquire, possess or control biological weapons. Accordingly New Zealand does not require legislation implementing measures or procedures to account for, secure or otherwise protect biological weapons. However, New Zealand's Hazardous Substances and New Organisms Act 1996 and its associated regulations do place considerable controls on hazardous substances, which would include material related to biological weapons, throughout their life-cycle including implementing controls around their manufacture, packaging, storage, transport, use and disposal.
2 Measures to account for use	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	
3 Measures to account for storage	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	
4 Measures to account for transport					
5 Other measures for accounting					

6	Measures to secure production	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	
7	Measures to secure use	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	
8	Measures to secure storage	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	
9	Measures to secure transport	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Hazardous Substances and New Organism Act 1996	X		
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Hazardous Substances Regulations	X	Hazardous Substances and New Organism Act 1996	
12	Licensing/registration of facilities/persons handling biological materials	X	Hazardous Substances Regulations	X	Hazardous Substances and New Organism Act 1996	
13	Reliability check of personnel	X	Hazardous Substances Regulations	X	Hazardous Substances and New Organism Act 1996	
14	Measures to account for/secure/ physically protect means of delivery	X	Hazardous Substances Regulations	X	Hazardous Substances and New Organism Act 1996	
15	Regulations for genetic engineering work	X	Hazardous Substances and New Organism Act 1996			

16	Other legislation/ regulations related to safety and security of biological materials						
17	Other						

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **New Zealand**

Date of Report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	In accordance with the Chemical Weapons (Prohibition) Act 1996 no person may develop, produce, acquire, stockpile, retain, transfer or use a chemical weapon. Accordingly New Zealand does not require specific legislation implementing measures or procedures to account for, secure or otherwise protect chemical weapons. However, New Zealand's Hazardous Substances and New Organisms Act 1996 and its associated regulations do place considerable controls on hazardous substances, which would include material related to chemical weapons, including implementing controls around their manufacture, packaging, storage, transport, use and disposal.
2	Measures to account for use	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	
3	Measures to account for storage	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	
4	Measures to account for transport	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	Hazardous Substances and New Organism Act 1996	
5	Other measures for accounting					
6	Measures to secure production	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	

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7	Measures to secure use	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2 Hazardous Substances and New Organism Act 1996	
8	Measures to secure storage	X	1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2 Hazardous Substances and New Organism Act 1996	
9	Measures to secure transport		1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996		1. Chemical Weapons (Prohibition) Act 1996 2.Hazardous Substances and New Organism Act 1996	
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001, Hazardous Substances (Packaging) Regulations 2001, Land Transport Rule: Dangerous Goods 2005 (Rule 45001/1)	X	Hazardous Substances and New Organisms Act 1996	
12	Licensing of chemical installations/entities/use of materials	X	Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001, Hazardous Substances (Classes 6, 8, and 9 Controls) Regulations 2001	X	Hazardous Substances and New Organisms Act 1996	
13	Reliability check of personnel	X	Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001 and Controlled Substances Licences provisions under section 95B of the HSNO Act	X	Hazardous Substances and New Organisms Act 1996	
14	Measures to account for/secure/ physically protect means of delivery	X	Hazardous Substances (Tracking) Regulations 2001	X	Hazardous Substances and New Organisms Act 1996	

15	National CWC authority					
16	Reporting Schedule I, II and III chemicals to OPCW					
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials	X	Hazardous Substances (Exempt Laboratories) Regulations 2001, Hazardous Substances (Disposal) Regulations 2001, Hazardous Substances (Identification) Regulations 2001, Hazardous Substances (Emergency Management) Regulations 2001, other HSNO Act controls issued as Gazette Notices			
19	Other					

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OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **New Zealand**

Date of Report: 28 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	*INFCIRC/185*	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf In accordance with the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 no person may manufacture, acquire, possess, have control over, emplant, emplace, transport, stockpile, store, install, or deploy any nuclear weapon. Accordingly New Zealand does not require legislation implementing measures or procedures to account for, secure or otherwise protect nuclear weapons. The Radiation Act 1965 does however implement controls around the manufacture, packaging, storage, transport, use and disposal of nuclear material.
2 Measures to account for use	X		X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
3 Measures to account for storage	X		X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
4 Measures to account for transport	X	Radiation Protection Act 1965	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
5 Other measures for accounting	X	Radiation Protection Act 1965	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
6 Measures to secure production	X	Radiation Protection Act 1965	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
7 Measures to secure use	X	Radiation Protection Act 1965	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
8 Measures to secure storage	X	Radiation Protection Act 1965	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	

9	Measures to secure transport	X	Radiation Protection Act 1965	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	
10	Other measures for securing		To be covered in a new legislation New Zealand is considering introducing.			
11	Regulations for physical protection of facilities/materials/ transports		To be covered in a new legislation New Zealand is considering introducing.			
12	Licensing of nuclear installations/entities/use of materials	X	Radiation Protection Act 1965: manufacture, sale, import, export, storage and transport of radioactive material requires specific approval by Minister of Health	X	1. Radiation Protection Act 1965 2. Crimes Act 1961	page 5 of the report
13	Reliability check of personnel		To be covered in a new legislation New Zealand is considering introducing.			
14	Measures to account for/secure/ physically protect means of delivery		To be covered in a new legislation New Zealand is considering introducing.			
15	National regulatory authority	X	Minister of Health			page 5 of the report
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 29 February 1972 2. Additional Protocol in force 24 September 1998			*http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf*
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Considering introducing legislation aimed at aligning NZL more closely to the Code			page 5 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme			*http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html*
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Terrorism Suppression Act 2002	X	1. Terrorism Suppression Act 2002 2. Crimes Act 1961	
21	Other			X	Terrorism Suppression Act 2002	page 5 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **New Zealand**

Date of Report: 28 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	Biological weapons are prohibtied in New Zealand by way of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. Accordingly their export, import and transfer is also prohibited.
2	Technical support of border control measures	X	Consultation with technical exporters in government departments			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities	X	Exports - New Zealand Customs Service Imports - Ministry of Agriculture & Forestry			
5	Export control legislation in place	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	page 6 of the report
6	Licensing provisions	X		X	Customs and Excise Act 1996	
7	Individual licensing	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	
8	General licensing	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X		

9	Exceptions from licensing					No exceptions from licensing
10	Licensing of deemed export/visa					
11	National licensing authority	X	Secretary of Foreign Affairs and Trade			page 6 of the report
12	Interagency review for licenses	X	Interagency Committee			
13	Control lists	X	Customs Export Prohibition Order. Strategic Goods List (goods regulated under the AG, NSG, MTCR and WA)			page 6 of the report
14	Updating of lists	X	Ministry of Foreign Affairs and Trade			
15	Inclusion of technologies	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996			page 6 of the report
16	Inclusion of means of delivery	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996			page 4 of the report
17	End-user controls	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	
18	Catch all clause		Draft legislation to implement a catch-all provision is being prepared.			
19	Intangible transfers		Controls over intangible transfers are under consideration.			
20	Transit control	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996	
21	Trans-shipment control	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996	
22	Re-export control	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996	

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23	Control of providing funds	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	
24	Control of providing transport services					
25	Control of importation	X	1. Biosecurity Act 1993 2 Hazardous Substances and New Organisms Act 1996	X	1. Biosecurity Act 1993 2 Hazardous Substances and New Organisms Act 1996	
26	Extraterritorial applicability		Extraterritorialty is applied to terrorist ffences under the Terrorism Suppression Act			
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **New Zealand**

Date of Report: 28 October 2004

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1 Chemical Weapons (Prohibition) Act 1996 2. Customs and Excise Act 1996	X	Chemical Weapons (Prohibition) Act 1996	Chemical weapons are prohibtied in New Zealand by way of the Chemical Weapons (Prohibtion) Act 1996. Accordingly their export, import and transfer is also prohibited
2	Technical support of border control measures	X	Consultation with technical experts in government departments			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities		New Zealand Customs Service			
5	Export control legislation in place	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	page 6 of the report
6	Licensing provisions	X		X	Customs and Excise Act 1996	
7	Individual licensing	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	
8	General licensing	X		X	Customs and Excise Act 1996	
9	Exceptions from licensing					No exceptions from licensing
10	Licensing of deemed export/visa					
11	National licensing authority	X	Secretary of Foreign Affairs and Trade			page 6 of the report
12	Interagency review for licenses	X	Interagency Committee			

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13	Control lists	X	1. Customs Export Prohibition Order Strategic Goods List (goods regulated under the AG, NSG, MTCR and WA) 2. Chemicals listed in the Schedules to the Chemical Weapons (Prohibition) Act 1966			page 6 of the report
14	Updating of lists	X	Ministry of Foreign Affairs and Trade			
15	Inclusion of technologies	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996			page 6 of the report
16	Inclusion of means of delivery	X				page 4 of the report
17	End-user controls	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	
18	Catch all clause		Draft legislation to implement a catch-all provision is being prepared			
19	Intangible transfers		Controls over intangible transfers are under consideration			
20	Transit control	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996	
21	Trans-shipment control	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996	
22	Re-export control	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996	
23	Control of providing funds	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	
24	Control of providing transport services					

25	Control of importation	X	1 Chemical Weapons (Prohibition) Act 1996 2 Customs and Excise Act 1996 chemicals listed in Schedules			page 4 of the report
26	Extraterritorial applicability		The prohibition on transferring chemical weapons set out in the Chemical Weapons (prohibition) Act 1996 applies to New Zealand residents and citizens extraterritorially			
27	Other					

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: **New Zealand**

Date of Report: 28 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Radiation Protection Act 1975 2 Customs and Excise Act 1996	X	Radiation Protection Act - A fine not exceeding $10,000	Nuclear weapons are prohibtied in New Zealand by way of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 Accordingly their export, import and transfer are also prohibited.
2 Technical support of border control measures	X	Consultation with technical experts on government departments			
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4 Enforcement agencies/authorities	X	New Zealand Customs Service			
5 Export control legislation in place	X	1. Customs and Excise Act	X	Customs & Excise Act 1996	pages 5 and 6 of the report
6 Licensing provisions	X	2. Customs Export Prohibition Order promulgated under the Customs and Excise Act 1996 3. Radiation Protection Act	X	Customs & Excise Act 1996	
7 Individual licensing	X	1. Customs Export Prohibition Order promulgated under the Customs and Excise Act 1996 2. Radiation Protection Act	X	Customs & Excise Act 1996,	
8 General licensing	X		X	Customs & Excise Act 1996	
9 Exceptions from licensing					No exceptions from licensing
10 Licensing of deemed export/visa					
11 National licensing authority	X	Secretary of Foreign Affairs and Trade			page 6 of the report
12 Interagency review for licenses					

13	Control lists	X	Customs Export Prohibition Order Strategic Goods List (goods regulated under the AG, NSG, MTCR and WA)	X	Customs & Excise Act 1996	page 6 of the report
14	Updating of lists		Ministry of Foreign Affairs and Trade			
15	Inclusion of technologies	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs & Excise Act 1996	page 6 of the report
16	Inclusion of means of delivery	X		X	Customs & Excise Act 1996	page 4 of the report
17	End-user controls	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996	
18	Catch all clause		Draft legislation to implement a catch-all provision is being prepared.			
19	Intangible transfers		Controls over intangible transfers are under consideration.			
20	Transit control	X	Customs & Excise Act 1996	X	Customs & Excise Act 1996	
21	Trans-shipment control	X	Customs & Excise Act 1996	X	Customs & Excise Act 1996	
22	Re-export control	X	Customs & Excise Act 1996	X	Customs & Excise Act 1996	
23	Control of providing funds		1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961			
24	Control of providing transport services					
25	Control of importation	X	1. Radiation Protection Act & 2. Customs and Excise Act 1996			page 5 of the report
26	Extraterritorial applicability		Extraterritoriality is applied to terrorist offences under the Terrorism Suppression Act 2002			
27	Other					

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **New Zealand**

Date of Report: **28 October 2004**

	Can information be provided on the following issues ?	YES		Remarks
1	Control lists - items (goods/ equipment/materials/technologies)	X	New Zealand Strategic Goods List control the export of goods regulated under AG, NSG, MTCR and WA	page 7 of the report
2	Control lists - other			
3	Assistance offered	X	Together with Australia, New Zealand has already begun discussions with some Pacific Island States about this resolution and will be further discussing with them what assistance they would find useful	page 8 of the report
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)	X	New Zealand recently joined the G8 Global Partnership Against the Spread of WMD and allocated money for destruction of CW	page 9 of the report
6	Information for industry			
7	Information for the public	X	Ministry of Foreign Affairs' web site provides public information; information is also disseminated through public speeches, conferences, and publications; NGOs play a vital role	page 9 of the report